

SUBCHAPTER D—APPROVED FORMS, FEDERAL POWER ACT AND PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978

PART 131—FORMS

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AUTHORITY: 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

§ 131.20 Application for approval of transfer of license.

(See §§9.1 through 9.10 of this chapter.)

(This application and all accompanying documents shall be submitted in quadruplicate, together with one additional copy for each interested State commission)

BEFORE THE FEDERAL ENERGY REGULATORY
COMMISSION

APPLICATION FOR APPROVAL OF TRANSFER OF
LICENSE

(1) _____, licensee under the license for Project No. _____, issued by the Commission on _____ (Month, day, year) and

(2) _____, (hereinafter referred to as the Transferee).

(3) Hereby jointly and severally apply for the written approval by the Federal Energy Regulatory Commission of the transfer of the aforesaid license from the transferor to the transferee and request that the instrument of such approval by the Commission be made effective as of the date of conveyance of the project properties; and in support thereof show the Commission as follows:

(4) The said transferee is:

(a)⁴ A citizen of the United States, whereof proof is submitted herewith as Exhibit A,

which is hereby incorporated herein and made a part hereof;

(b)⁴ An association of citizens under articles of association, a certified copy of which as now in effect is attached hereto as exhibit A and hereby incorporated herein and made a part hereof;

(c)⁴ A municipality organized under the following statutes: _____, proof of such organization being submitted herewith as Exhibits A–1, A–2, etc., which is [are] hereby incorporated herein and made a part hereof;

(d)⁵ A _____ (e.g., private, non-profit, etc.) corporation, organized under the laws of the State of _____, and domesticated in the States of _____; certified copies of its charter or certificate or incorporation, articles of incorporation, corporate by-laws, and certificates of authority to do business, with all amendments of each to date, being submitted herewith as exhibits A–1, A–2, etc., said exhibits being hereby incorporated herein and made a part hereof;

(5) The transferee submits as [partial] evidence of its compliance with all applicable State laws as required by section 9(b) of the Federal Power Act _____ submitted herewith as exhibits B–1, B–2, etc., and proposes to complete its showing of such compliance by submitting _____

⁵This form for application contemplates the filing of the application and Commission action thereon prior to any conveyance of the project properties. If the Commission acts favorably upon the application, it will issue to the applicants an order approving the transfer of the license. Applicants may then consummate the conveyance of the project properties and transferee shall submit to the Commission certified copies of the instruments of such conveyance (see par. 6 of this form). The transferor shall at the same time make payment of annual charges to the date of the conveyance (see par. 6 of this form). The transferor shall at the same time make payment of annual charges to the date of the conveyance (see par. 8 of this form). The transferee shall at the same time submit to the Commission final proofs showing its compliance with state laws. See par. 5 of this form. The transferor shall at the same time turn over to the transferee all license instruments and all maps, plans, specifications, contracts, reports of engineers, accounts, books, records, and all other papers and documents, relating to the original project and to all additions thereto and betterments thereof.

⁴In par. 4 include only the subparagraph which is applicable.

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to be submitted as exhibits B-3, B-4, etc., at the time it submits proof of the conveyance to it of the project properties as hereinafter provided for;⁵

(6) The transferee will submit certified copies of all instruments of conveyance whereby title to the project properties is conveyed to it, upon the completion of such conveyance, if and when the Commission shall have given its approval to the proposed transfer;

(7) If and when the Commission shall have given its approval to the proposed transfer, and upon completion of conveyance of the project properties to the transferee, the transferor will deliver to the transferee and the transferee will accept and permanently retain all license instruments and all maps, plans, specifications, contracts, reports of engineers, accounts, books, records, and all other papers and documents relating to the original project and to all additions thereto and betterments thereof;

(8) The transferor certifies that it has fully complied with the terms and conditions of its license, as amended, and that it has fully satisfied and discharged all of its liabilities and obligations thereunder to the date hereof, and obligates itself to pay all annual charges accrued under the license to the date of transfer;

(9) Contingent upon the final written approval by the Commission of the transfer of the license, the transferee accepts all the terms and conditions of the said license [as amended] and the act, and agrees to be bound thereby to the same extent as though it were the original licensee thereunder;

(10) The name, title, and post-office address of the person or persons to whom correspondence in regard to this application shall be addressed are as follows:

In witness whereof the transferor has caused its name to be hereunto signed by _____ (Name), its _____ (Title—chief executive officer), and its corporate seal to be hereunto affixed by _____ (Name), its _____ (Title—custodian of seal), thereunto duly authorized, this _____ day of _____, 19____; and the transferee has caused its name to be hereunto signed by _____ (Name), its _____ (Title—chief executive officer), and its corporate seal to be hereunto affixed by _____ (Name), its _____ (Title—custodian of seal),

⁵See footnote 5 on preceding page.

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thereunto duly authorized this _____ day of _____, 19____.⁶

(Exact name of transferor)

By _____
(Name)

(Title)

(Exact name of transferee)

By _____
(Name)

(Title)

Attest:

(Secretary)

VERIFICATION⁷

State of _____

County of _____, ss:

_____, being duly sworn
deposes and says: That he is the _____

(Title of person signing the application) of the _____ (Name of one of applicants), one of the applicants for approval of transfer of license; that he has read the foregoing application and knows the contents thereof; and that the same are true to the best of his knowledge and belief.

(Signature)

Subscribed and sworn to before me, a notary public of the State of _____ this _____ day of _____, 19____.

EXHIBIT A

PROOF OF CITIZENSHIP⁸

State of _____

County of _____, ss:

_____, _____ and _____, being duly sworn, each for himself, deposes and says that he is a citizen of the United States of America.

Subscribed and sworn to before me, a notary public of the State of _____ this _____ day of _____, 19____.

⁶If applicant is a natural citizen modify final paragraph.

⁷To be separately executed by each of the persons signing the foregoing application.

⁸If the applicant is a natural person or an association of citizens, proof of citizenship is required. Such proof may be made by affidavit in the form indicated.

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[Order 141, 12 FR 8588, Dec. 19, 1947, as amended by Order 175, 19 FR 5218, Aug. 18, 1954; Order 541, 57 FR 21734, May 22, 1992]

§ 131.31 FERC Form No. 561, Annual report of interlocking positions.

(See section 46.4 of this chapter.)

Format Number FERC 561 (REVISED 12/98)

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INSTRUCTIONS FOR COMPLETING ANNUAL REPORT OF INTERLOCKING POSITIONS

GENERAL INFORMATION:

Purpose of Report

The data collected by this report will be used by the Federal Energy Regulatory Commission's staff for the review and oversight of interlocking positions between public utilities and certain other entities as described below.

Who Must Submit

This report must be completed by all persons holding interlocking positions between public utilities and certain other entities (described in the specific instructions) during any portion of the calendar year.

When to Submit

Submit this report on or before April 30 of each year for the preceding calendar year. (For example, the report for the year 1999 would be filed on or before April 30, 2000.)

What and Where to Submit

Submit an original and one (1) copy of this report to: Federal Energy Regulatory Commission, Office of the Secretary, Attention FERC 561, 888 First Street NE, Washington, DC 20426

Sanctions

This report is mandatory and is prescribed by Section 305(c)(1) of the Federal Power Act and 18 CFR 46.4. Failure to report may result in certain penalties and other sanctions as provided by law.

Where to Send Comments on Public Reporting Burden

The public reporting burden for this collection of information is estimated to average 0.25 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information to: Federal Energy Regulatory Commission, Attn: Federal Energy Regulatory Commission Information Clearance Officer, 888 First Street NE., Washington, DC 20426.

You shall not be penalized for failure to respond to this collection of information unless the collection of information displays a valid OMB control number.

GENERAL INSTRUCTIONS

1. Prepare this report in conformity with the requirements prescribed in 18 CFR 46.4.
2. Leave blank any columns that are not applicable.

SPECIFIC INSTRUCTIONS

Item and Instruction

Respondent Information

- 1 and 2 Enter your full name and your business address.
- 3 Enter the calendar year for which this report is filed.
- 4 and 5 If you are authorized by this Commission to hold the position of officer or director in accordance with Part 45 of the Commission's regulations: enter in space 4 the complete FERC docket number of such authorization; enter in space 5 the latest date of such authorization. Otherwise, leave these spaces blank.
- 6 Enter the public utility or public utility holding company to which you want next year's Form 561 sent.

Public Utility Data

- Col (1) and Col (2) Enter in column (1) the name of each public utility in which you hold an executive position. In column (2) enter the appropriate code for each such position, according to the list below:

Code and Name

Dir Director
CEO Chief Executive Officer
PRES President
VP Vice President
SEC Secretary
TREA Treasurer
GM General Manager
COMP Comptroller
PURA Chief Purchasing Agent
OEP Other Executive Position

Interlocking Entity Data

- Col (3) and Col (4) Enter in Column (3) the name of each entity in which you hold an interlocking position. Enter the appropriate code for each executive position you hold in the entity named in Column (3), using the list below:

Code and Name

DIR Director
CEO Chief Executive Officer
PRES President
VP Vice President
SEC Secretary
TREA Treasurer
GM General Manager
COMP Comptroller
PURA Chief Purchasing Agent
PART Partner
APPT Appointee
REP Representative
OEP Other Executive Position

- Col (5) Enter in Column (5) the appropriate code type for each entity listed in Column (3), using the list below:

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Code and Name

FIN Investment bank; bank holding company; foreign bank or subsidiary thereof doing business in the United States; other organization primarily engaged in the business of providing financial services or credit; mutual savings bank; or savings and loan association
 FINI Insurance company
 SECU Entity authorized by law to underwrite or participate in the marketing of securities of a public utility
 ELEQ Entity which produces/supplies electric equipment for the use of any public utility
 FUEL Entity which produces/supplies coal, natural gas, nuclear fuel, or other fuel for the use of any public utility
 20CL Entity specified in 18 CFR 46.3 (one of the 20 largest purchasers of electric energy from a utility)
 CNEN Entity which is controlled by any one of the above named entities
 305B Entity referred to in Section 305(b) of the Federal Power Act (not otherwise identified above)
 Col (6) For each entity that supplies electric equipment (ELEQ) named in Column (3) enter the aggregate amount of revenues from producing or supplying electrical equipment to any public utility named in column (1) in the subject calendar year, rounded to the nearest \$100,000. Otherwise, leave this column blank.
 Signature The original of this report must be dated and signed. The copy must bear the date that appeared on the original. The signature on the copy may be stamped or typed on the copy.

[Order 601, 63 FR 72169, Dec. 31, 1998]

§ 131.43 Report of securities issued.

(See §34.10 of this chapter.)
 (Submit an original and four copies.)

[NAME OF RESPONDENT]

REPORT OF SECURITIES ISSUED

Description of security.....

| Description | Amount |
|--|--------|
| 1. Face value or principal amount | |
| 2. Plus premium or less discount | |
| 3. Gross proceeds | |
| 4. Underwriter's spread or commission | |
| 5. Securities and Exchange Commission registration fee | |
| 6. State mortgage registration tax | |
| 7. State commission fee | |
| 8. Fee for recording indenture | |
| 9. United States document tax | |
| 10. Printing and engraving expenses | |
| 11. Trustee's charges | |
| 12. Counsel fees | |
| 13. Accountant's fees | |

REPORT OF SECURITIES ISSUED—Continued

Description of security.....

| Description | Amount |
|---|--------|
| 14. Cost of listing | |
| 15. Miscellaneous expenses of issue | |
| (Describe large items) | |
| 16. Total deductions | |
| 17. Net amount realized | |

[Order 141, 12 FR 8591, Dec. 19, 1947, as amended by Order 182, 46 FR 50517, Oct. 14, 1981]

EFFECTIVE DATE NOTE: At 70 FR 35375, June 20, 2005, §131.43 introductory text was revised, effective at the time of the next e-filing release during the Commission's next fiscal year. For the convenience of the user, the revised text follows:

§ 131.43 Report of securities issued.

(See §34.10 of this chapter)

(Submit in electronic format in accordance with §385.2003 of this chapter.)

* * * * *

§ 131.50 Reports of proposals received.

No later than 30 days after the sale or placement of long-term debt or equity securities or the entry into guarantees or assumptions of liabilities (collectively referred to as “placement”) pursuant to authority granted under Part 34 of this chapter, the applicant must file a summary of each proposal or proposals received for the placement. The proposal or proposals accepted must be indicated. The information to be filed must include:

- (a) Par or stated value of securities;
- (b) Number of units (shares of stock, number of bonds) issued;
- (c) Total dollar value of the issue;
- (d) Life of the securities, including maximum life and average life of sinking fund issue;
- (e) Dividend or interest rate;
- (f) Call provisions;
- (g) Sinking fund provisions;
- (h) Offering price;
- (i) Discount or premium;
- (j) Commission or underwriter's spread;
- (k) Net proceeds to company for each unit of security and for the total issue;

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(1) Net cost to the company for securities with a stated interest or dividend rate.

[Order 575, 60 FR 4855, Jan. 25, 1995]

EFFECTIVE DATE NOTE: At 70 FR 35375, June 20, 2005, § 131.50 paragraphs (a) and (b) were revised, effective at the time of the next e-filing release during the Commission's next fiscal year. For the convenience of the user, the revised text follows:

§ 131.50 Report of proposals received.

(a) No later than 30 days after the sale or placement of long-term debt or equity securities or the entry into guarantees or assumptions of liabilities (collectively referred to as "placement") pursuant to authority granted under Part 34 of this chapter, the applicant must file, in electronic format, a summary of each proposal or proposals received for the placement. The proposal or proposals accepted must be indicated. The information to be filed must include:

- (1) Par or stated value of securities;
- (2) Number of units (shares of stock, number of bonds) issued;
- (3) Total dollar value of the issue;
- (4) Life of the securities, including maximum life and average life of sinking fund issue;
- (5) Dividend or interest rate;
- (6) Call provisions;
- (7) Sinking fund provisions;
- (8) Offering price;
- (9) Discount or premium;
- (10) Commission or underwriter's spread;
- (11) Net proceeds to company for each unit of security and for the total issue;
- (12) Net cost to the company for securities with a stated interest or dividend rate.

(b) This report must be filed with the Commission as prescribed in § 385.2003 of this chapter and as indicated in the instructions set out in this report. This report is an electronic file that is classified as a "qualified document" in accordance with § 385.2003(c)(1) and (2). As a qualified document, no paper copy version of the filing is required unless there is a request for privileged or protected treatment or the document is combined with another document as provided in § 385.2003(c)(3) or (4).

* * * * *

§ 131.51 Notice of succession in ownership or operation.

(See §§ 35.1 through 35.21 of this chapter.)

(An original and one conformed copy to be submitted)

The _____

(Exact name of new owner, receiver, or trustee)

(Address)

on this _____ day of _____, 19____, hereby adopts, ratifies, and makes his own, or its own, in every respect all applicable rate schedules, and supplements thereto, listed below, heretofore filed with the Federal Energy Regulatory Commission by _____

(Exact name of predecessor)

effective _____

(Effective date of change in ownership or operation)

(List all Rate Schedule F.E.R.C. numbers adopted)

(Exact name of successor)

By _____

(Title)

[Order 141, 12 FR 8591, Dec. 19, 1947, as amended by Order 271, 28 FR 11404, Oct. 24, 1963; Order 541, 57 FR 21734, May 22, 1992]

§ 131.52 Certificate of concurrence.

(See §§ 35.1 through 35.21 of this chapter.)

(An original and one conformed copy to be submitted)

This is to certify that _____

(Name of public utility concurring) assents to and concurs in the rate schedule (rate schedule supplement) described below, which the _____ (Name of public utility filing rate schedule) has filed, and hereby files this certificate of concurrence in lieu of the filing of the rate schedule (rate schedule supplement) specified.

(Here give exact description of rate schedule or supplement, including F.E.R.C. number)

(Name of public utility)

By _____

(Title)

Dated _____ 19____.

[Order 141, 12 FR 8591, Dec. 19, 1947, as amended by Order 271, 28 FR 11404, Oct. 24, 1963; Order 541, 57 FR 21734, May 22, 1992]

§ 131.53 Notice of cancellation.

(See §§ 35.1 through 35.21 of this chapter.)

[An original and one conformed copy to be submitted]

Notice is hereby given that effective the _____ day of _____ 19____, Rate

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Schedule F.E.R.C. No. _____, effective date _____ and filed with the Federal Energy Regulatory Commission by _____

(Name of public utility filing rate schedule) is to be cancelled.

Notice of the proposed cancellation has been served upon the following:

By _____ (Name of public utility)

(Title)

Dated _____, 19____.

[Order 141, 12 FR 8591, Dec. 19, 1947, as amended by Order 271, 28 FR 11404, Oct. 24; Order 541, 57 FR 21734, May 22, 1992]

§ 131.70 Form¹² of application by State and municipal licensees for exemption from payment of annual charges.

(See § 11.24 of this chapter.) Application by State and municipal licensees for exemption from payment of annual charges must be prepared on this form. The form specifies that in filing application for exemption, the following data and schedules shall be submitted:

1. Name and address of correspondent;
2. Basis for claimed exemption;
3. Generating plants owned or operated by licensee;
4. Transmission lines and distribution lines;
5. KWH of power generated, purchased and interchanged;
6. Power sold or otherwise disposed of (kwh);
7. Power interchange (in detail);
8. Statement of unusual conditions attending the disposition of electric power;
9. Book cost of electric property;
10. Operating revenues;
11. Operating expenses and other deductions from revenues;
12. Affidavit.

[Order 143, 13 FR 6682, Nov. 13, 1948]

§ 131.80 FERC Form No. 556, Certification of qualifying facility status for an existing or a proposed small power production or cogeneration facility.

(See § 292.207 of this chapter.)

¹² Copies of this form may be obtained upon request from the Federal Energy Regulatory Commission.

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FERC FORM 556, OMB No. 1902-0075
Expires _____

Certification of Qualifying Facility Status for an Existing or a Proposed Small Power Production or Cogeneration Facility

(To be completed for the purpose of demonstrating up-to-date conformance with the qualification criteria of Section 292.203(a)(1) or Section 292.203(b), based on actual or planned operating experience)

General instructions: Part A of the form should be completed by all small power producers or cogenerators. Part B applies to small power production facilities. Part C applies to cogeneration facilities. All references to sections are with regard to Part 292 of Title 18 of the Code of Federal Regulations, unless otherwise indicated.

PART A—GENERAL INFORMATION TO BE SUBMITTED BY ALL APPLICANTS

1a. Full name:

Docket Number assigned to the immediately preceding submittal filed with the Commission in connection with the instant facility, if any: QF _____

Purpose of instant filing (self-certification or self-recertification [Section 292.207(a)(1)], or application for Commission certification or recertification [Sections 292.207(b) and (d)(2)]):

1b. Full address of applicant:

1c. Indicate the owner(s) of the facility (including the percentage of ownership held by any electric utility or electric utility holding company, or by any persons owned by either) and the operator of the facility. Additionally, state whether or not any of the non-electric utility owners or their upstream owners are engaged in the generation or sale of electric power, or have any ownership or operating interest in any electric facilities other than qualifying facilities. In order to facilitate review of the application, the applicant may also provide an ownership chart identifying the upstream ownership of the facility. Such chart should indicate ownership percentages where appropriate.

1d. Signature of authorized individual evidencing accuracy and authenticity of information provided by applicant:

2. Person to whom communications regarding the filed information may be addressed:

Name:

Title:

Telephone number:

Mailing address:

3a. Location of facility to be certified:

State:

County:

City or town:

Street address (if known):

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3b. Indicate the electric utilities that are contemplated to transact with the qualifying facility (if known) and describe the services those electric utilities are expected to provide: utilities interconnecting with the facility and/or providing wheeling service (Section 292.303(c) and (d)); utilities purchasing the useful electric power output (Sections 292.101(b)(2), 292.202(g) and 292.303(a)); utilities providing supplementary power, backup power, maintenance power, and/or interruptible power service (Sections 292.101(b) (3) and (8), 292.303(b) and 292.305(b));

4a. Describe the principal components of the facility including boilers, prime movers and electric generators, and explain their operation. Include transmission lines, transformers and switchyard equipment, if included as part of the facility.

4b. Indicate the maximum gross and maximum net electric power production capacity of the facility at the point(s) of delivery and show the derivation.

4c. Indicate the actual or expected installation and operation dates of the facility, or the actual or expected date of completion of the reported modification to the facility:

4d. Describe the primary energy input (*e.g.*, hydro, coal, oil (Section 292.202(l)), natural gas (Section 292.202(k)), solar, geothermal, wind, waste, biomass (Section 292.202(a)), or other). For a waste energy input that does not fall within one of the categories on the Commission's list of previously approved wastes, demonstrate that such energy input has little or no current commercial value and that it exists in the absence of the qualifying facility industry (Section 292.202(b)).

5. Provide the average annual hourly energy input in terms of Btu for the following fossil fuel energy inputs, and provide the related percentage of the total average annual hourly energy input to the facility (Section 292.202(j)). For any oil or natural gas fuel, use lower heating value (Section 292.202(m)):

Natural gas:

Oil:

Coal (applicable only to a small power production facility):

6. Discuss any particular characteristic of the facility which the cogenerator or small power producer believes might bear on its qualifying status.

PART B—DESCRIPTION OF THE SMALL POWER PRODUCTION FACILITY

7. Describe how fossil fuel use will not exceed 25 percent of the total annual energy input limit (Sections 292.202(j) and 292.204(b)). Also, describe how the use of fossil fuel will be limited to the following purposes to conform to Federal Power Act Section 3(17)(B): Ignition, start-up, testing, flame stabilization, control use, and minimal amounts of fuel required to alleviate or prevent unan-

ticipated equipment outages and emergencies directly affecting the public.

8. If the facility reported herein is not an eligible solar, wind, waste or geothermal facility, and if any other non-eligible facility located within one mile of the instant facility is owned by any of the entities (or their affiliates) reported in Part A at item 1c. above and uses the same primary energy input, provide the following information about the other facility for the purpose of demonstrating that the total of the power production capacities of these facilities does not exceed 80 MW (Section 292.204(a)):

Facility name, if any (as reported to the Commission):

Commission Docket Number: QF _____

Name of common owner:

Common primary energy source used as energy input:

Power production capacity (MW):

An eligible solar, wind, waste or geothermal facility, as defined in Section 3(17)(E) of the Federal Power Act, is a small power production facility that produces electric energy solely by the use, as a primary energy input, of solar, wind, waste or geothermal resources, for which either an application for Commission certification of qualifying status (Section 292.207(b)) or a notice of self-certification of qualifying status (Section 292.207(a)) was submitted to the Commission not later than December 31, 1994, and for which construction of such facility commences not later than December 31, 1999, or if not, reasonable diligence is exercised toward the completion of such facility, taking into account all factors relevant to construction of the facility.

PART C—DESCRIPTION OF THE COGENERATION FACILITY

9. Describe the cogeneration system (Sections 292.202(c) and 292.203(b)), and state whether the facility is a topping-cycle (Section 292.202(d)) or bottoming-cycle (Section 292.202(e)) cogeneration facility.

10. To demonstrate the sequentiality of the cogeneration process (Section 292.202(s)) and to support compliance with other requirements such as the operating and efficiency standards (item 11 below), provide a mass and heat balance (cycle) diagram depicting average annual hourly operating conditions. Also, provide:

Using lower heating value (Section 292.202(m)), all fuel flow inputs in Btu/hr., separately indicating fossil fuel inputs for any supplementary firing in Btu/hr. (Section 292.202(f)):

Average net electric output (kW or MW) (Section 292.202(g));

Average net mechanical output in horsepower (Section 292.202(g));

Number of hours of operation used to determine the average annual hourly facility inputs and outputs; and

Working fluid (*e.g.*, steam) flow conditions at input and output of prime mover(s) and at delivery to and return from each useful thermal application:

Flow rates (lbs./hr.):

Temperature (deg.F):

Pressure (psia):

Enthalpy (Btu/lb.):

11. Compute the operating value (applicable to a topping-cycle facility under Section 292.205(a)(1)) and the efficiency value (Sections 292.205(a)(2) and Section 292.205(b)), based on the information provided in and corresponding to item 10, as follows:

P_t =Average annual hourly useful thermal energy output

P_e =Average annual hourly electrical output

P_m =Average annual hourly mechanical output

P_i =Average annual hourly energy input (natural gas or oil)

P_s =Average annual hourly energy input for supplementary firing (natural gas or oil)

Operating standard=5% or more

Operating value= $P_t/(P_t+P_e+P_m)$

Efficiency standard applicable to natural gas and oil fuel used in a topping-cycle facility:

=45% or more when operating value is less than 15%, or 42.5% or more when operating value is equal to or greater than 15%.

Efficiency value= $(P_e+P_m+0.5P_s)/(P_i+P_s)$

Efficiency standard applicable to natural gas and oil fuel used for supplementary firing component of a bottoming-cycle facility:

=45% or more

Efficiency value= $(P_e+P_m)/P_s$

FOR TOPPING-CYCLE COGENERATION FACILITIES

12. Identify the entity (*i.e.*, thermal host) which will purchase the useful thermal energy output from the facility (Section 292.202(h)). Indicate whether the entity uses such output for the purpose of space and water heating, space cooling, and/or process use.

13. In connection with the requirement that the thermal energy output be useful (Section 292.202(h)):

For process uses by commercial or industrial host(s), describe each process (or group of similar processes using the same quality of steam) and provide the average annual hourly thermal energy made available to the process, less process return. For a complex system, where the primary steam header at the host-side is divided into various sub-uses, each having different pressure and temperature characteristics, describe the processes associated with each sub-use and provide the

average annual hourly thermal energy delivered to each sub-use, less process return from such sub-use. Provide a diagram showing the main steam header and the sub-uses with other relevant information such as the average header pressure (psia), the temperature (deg.F), the enthalpy (Btu/lb.), and the flow (lb./hr.), both in and out of each sub-use. For space and water heating, describe the type of heating involved (*e.g.*, office space heating, domestic water heating) and provide the average annual hourly thermal energy delivered and used for such purpose. For space cooling, describe the type of cooling involved (*e.g.*, office space cooling) and provide the average annual hourly thermal energy used by the chiller.

FOR BOTTOMING-CYCLE FACILITIES

14. Provide a description of the commercial or industrial process or other thermal application to which the energy input to the system is first applied and from which the reject heat is then used for electric power production.

FOR NEW COGENERATION FACILITIES

15. For any cogeneration facility that was either not certified as a qualifying cogeneration facility on or before August 8, 2005, or that had not filed a notice of self-certification, self-recertification or an application for Commission certification under §292.207 of this chapter prior to February 2, 2006, also show:

(i) The thermal energy output of the cogeneration facility is used in a productive and beneficial manner; and

(ii) The electrical, thermal, chemical and mechanical output of the cogeneration facility is used fundamentally for industrial, commercial, residential or institutional purposes and is not intended fundamentally for sale to an electric utility, taking into account technological, efficiency, economic, and variable thermal energy requirements, as well as state laws applicable to sales of electric energy from a qualifying facility to its host facility.

[Order 575, 60 FR 4855, Jan. 25, 1995, as amended by Order 671, 71 FR 7867, Feb. 15, 2006]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Sec.

141.1 FERC Form No. 1, Annual report of Major electric utilities, licensees and others.

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AUTHORITY: 15 U.S.C. 79; 16 U.S.C. 791a–828c, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

§ 141.1 FERC Form No. 1, Annual report of Major electric utilities, licensees and others.

(a) *Prescription.* The Form of Annual Report for Major electric utilities, licensees and others, designated herein as FERC Form No. 1, is prescribed for the reporting year 1981 and each year thereafter.

(b) *Filing requirements*—(1) *Who must file*—(i) *Generally.* Each Major electric utility (as defined in part 101 of Subchapter C of this chapter) and other entity, *i.e.* each corporation, person or licensee as defined in section 3 of the Federal Power Act (16 U.S.C. 792 *et seq.*), including any agency, authority or other legal entity or instrumentality engaged in generation, transmission, distribution, or sale of electric energy, however produced, throughout the United States and its possessions, having sales or transmission service equal to Major as defined above, whether or not the jurisdiction of the Commission is otherwise involved, shall prepare and file electronically with the Commission the FERC Form 1 pursuant to the General Instructions set out in that form.

(ii) *Exceptions.* This report form is not prescribed for any agency, authority or instrumentality of the United States, nor is it prescribed for municipalities as defined in section 3 of the Federal Power Act; (*i.e.*, a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power).

(2) *When to file and what to file.* (i) The annual report for the year ending

December 31, 2004, must be filed on April 25, 2005.

(ii) The annual report for each year thereafter must be filed on April 18.

(iii) This report must be filed with the Federal Energy Regulatory Commission as prescribed in §385.2011 of this chapter and as indicated in the General Instructions set out in this form, and must be properly completed and verified. Filing on electronic media pursuant to §385.2011 of this chapter is required.

[Order 200, 47 FR 1280, Jan. 12, 1982, as amended by Order 390, 49 FR 32515, Aug. 14, 1984; Order 574, 60 FR 1718, Jan. 5, 1995; Order 626, 67 FR 36096, May 23, 2002; 69 FR 9043, Feb. 26, 2004]

§ 141.2 FERC Form No. 1-F, Annual report for Nonmajor public utilities and licensees.

(a) *Prescription.* The form of Annual Report for Nonmajor Public Utilities and Licensees, designated herein as FERC Form No. 1-F, is prescribed for the year 1980 and each year thereafter.

(b) *Filing requirements*—(1) *Who must file*—(i) *Generally.* Each public utility and licensee as defined by the Federal Power Act, which is considered Nonmajor as defined in Part 101 of this chapter, shall prepare and file with the Commission an original and conformed copies of FERC Form No. 1-F pursuant to the General Instructions set out in that form.

(ii) *Exceptions.* FERC Form No. 1-F is not prescribed for any municipality as defined in Section 3 of the Federal Power Act, *i.e.*, a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power.

(2) *When to file.* (i) The annual report for the year ending December 31, 2004, must be filed on April 25, 2005.

(ii) The annual report for each year thereafter must be filed on April 18.

[Order 101, 45 FR 60899, Sept. 15, 1980, as amended by Order 390, 49 FR 32515, Aug. 14, 1984; 50 FR 5744, Feb. 12, 1985; 69 FR 9043, Feb. 26, 2004]

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§ 141.14 Form No. 80, Licensed Hydropower Development Recreation Report.

The form of the report, Licensed Hydropower Development Recreation Report, designated as FERC Form No. 80, for use by licensees in reporting information with respect to existing and potential recreational use at developments within projects under major and minor license, is approved and prescribed for use as provided in § 8.11 of this chapter.

[46 FR 50059, Oct. 9, 1981]

§ 141.15 Annual Conveyance Report.

If a licensee of a hydropower project is required by its license to file with the Commission an annual report of conveyances of easements or rights-of-way across, or leases of, project lands, the report must be filed only if such a conveyance or lease of project lands has occurred in the previous year.

[Order 540, 57 FR 21738, May 22, 1992]

§ 141.51 FERC Form No. 714, Annual Electric Control and Planning Area Report.

(a) *Who must file.* (1) Any electric utility, as defined by section 3(4) of the Public Utility Regulatory Policies Act, 16 U.S.C. 2602, operating a control area, and any group of electric utilities, which by way of contractual arrangements operates as a single control area, must complete and file the applicable schedules in FERC Form No. 714 with the Federal Energy Regulatory Commission.

(2) Any electric utility, or group of electric utilities that constitutes a planning area and that has a peak load greater than 200 megawatts (MW) based on net energy for load for the reporting year, must complete applicable schedules in FERC Form No. 714.

(b) *When to file.* FERC Form No. 714 must be filed on or before each June 1 for the preceding calendar year.

(c) *What to file.* An original and three conformed copies of FERC Form No. 714 "Annual Electric Control and Planning Area Report," must be filed with the Federal Energy Regulatory Commission, in accordance with the in-

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structions in that form and in this section.

[58 FR 52436, Oct. 8, 1993]

EFFECTIVE DATE NOTE: At 58 FR 52436, Oct. 8, 1993, § 141.51 was revised. The section contains information collection and record-keeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 141.61 FERC Form No. 423, Monthly Report of Cost and Quality of Fuels for Electric Plants.

(a) *Who must file.* Every electric power producer having electric generating plants with a stream-electric generating capacity of 50 megawatts or greater during the reporting month must file with the Federal Energy Regulatory Commission for each such plant the FERC Form No. 423, "Monthly Report of Cost and Quality of Fuels for Electric Plants," pursuant to the General Instructions set out in this form.

(b) *When to file and what to file.* This report must be filed on or before the 45th day after the end of each reporting month. This report must be filed with the Federal Energy Regulatory Commission as prescribed in § 385.2011 of this chapter and as indicated in the General Instructions set out in this form, and must be properly completed and verified. Filing on electronic media pursuant to § 385.2011 of this chapter will be required commencing with the report required to be submitted for the reporting month of January 2002.

[Order 622, 66 FR 67078, Dec. 28, 2001]

§ 141.100 Original cost statement of utility property.

Any public utility or licensee becoming subject to the jurisdiction of the Commission shall file, insofar as applicable, the following statements properly sworn to by the officer in responsible charge of their compilation:

STATEMENT A

Statement A showing in outline the origin and development of the company including particularly a description (giving names of parties and dates) of each consolidation and merger to which the company, or a predecessor, was a party and each acquisition of an electric operating unit or system.

STATEMENT B

Statement B showing for each acquisition by the reporting company or any of its predecessors of an electric operating unit or system, the original cost, estimated, if not known, the cost of such company and the amount entered in the books in respect thereto as of the date of acquisition. If the depreciation, retirement, or amortization reserve was adjusted as of the date of acquisition and in connection therewith, a full disclosure of the pertinent facts should be made. The difference between the original cost and the amount entered in respect thereto of each acquisition of an electric operating unit or system, as of the date of acquisition, should be clearly stated, and a summary of all transactions affecting such difference through the end of the calendar year prior to the year in which the filing is made, and the resultant amount at the latter date, should be set forth. The amount to be included in account 114, Electric Plant Acquisition Adjustments, shall be subdivided so as to show the amounts applicable to (1) electric plant in service, (2) electric plant leased to others, and (3) electric plant held for future use. Whenever practical, such amount shall be classified according to nature, i.e., going value, structural value, etc.

Where estimates are used in arriving at original cost or the amount to be included in account 114, a full disclosure of the method and underlying facts should be given. The method of determining the original cost of the electric plant acquired as operating units or systems should be described in sufficient detail to permit a clear understanding of the nature of the investigations which were made for that purpose.

STATEMENT C

Statement C showing any amounts arrived at by appraisals in the electric plant accounts (and not eliminated) in lieu of cost to the reporting company. This statement should give the full journal entry at the time the appraisal was originally recorded and if the entry had the effect of appreciating or writing up the electric plant account, the amount of the appreciation of writeup should be traced, by proper description and explanation of changes, from the date recorded through the end of the calendar year prior to the year in which the filing is made.

STATEMENT D

Statement D showing electric plant as classified in the books of account immediately prior to reclassification in accordance with the Uniform System of Accounts, including, under a descriptive heading, any unclassified amounts applicable jointly to the electric department and other departments of the utility.

STATEMENT E

Statement E showing summary of adjustments necessary to state accounts 101, 103-107, 114, and 116, as prescribed in the Uniform System of Accounts.

STATEMENT F

Statement F showing electric plant classified according to the accounts prescribed in the Uniform System of Accounts, and showing also the amount includible in account 116, Other Electric Plant Adjustments.

STATEMENT G

Statement G giving a comparative balance sheet showing the accounts and amounts appearing in the books before the adjusting entries have been made and after such entries shall have been made.

STATEMENT H

Statement H giving a suggested plan for depreciating, amortizing, or otherwise disposing in whole or in part of the amounts includible in account 114, Electric Plant Acquisition Adjustments, and account 116, Other Electric Plant Adjustments.

STATEMENT I

Statement I giving the following statistical information relative to electric plant.

PRODUCTION PLANT

Steam production. Separately for each steam plant: Name of plant, date of construction, nameplate generating capacity (kw.) as originally constructed and as at present, also nameplate capacity and date of installation of each addition to generating capacity. The original cost, where available, by accounts 310 and 316, of each steam production plant.

Hydraulic production. Separately for each hydroplant: Name of plant, date of construction, capacity of reservoirs (acre-feet), nameplate generating capacity (kw.) as originally constructed and as at present, also nameplate capacity and date of installation of each addition to generating capacity. The original cost, where available, by accounts 330 and 336, of each hydraulic production plant.

Internal combustion engine production. For each internal combustion engine plant: Name of plant, date of construction, nameplate generating capacity (kw.) as originally constructed and as at present, also nameplate capacity and date of installation of each addition to generating capacity. The original cost, where available, by accounts 340 to 346, of each internal combustion engine production plant.

TRANSMISSION PLANT

Overhead transmission lines. For each overhead transmission line or for each group of transmission lines of the same voltage, same general type of construction, and same number of circuits per structure; the voltage, length in miles, type of construction, kind and size of conductor. The original cost, where available, by accounts 350, 352, 354, 355, 356, and 359, of each such line or group of lines.

Underground transmission lines. For each underground transmission line or for each group of transmission lines of the same voltage, same general type of construction and same number of circuits per structure: The voltage length in miles and type of construction. The original cost, where available, by accounts 350, 352, 357, 358, and 359, of each such line or group of lines.

Transmission substations. For each substation: Function, capacity (kva), high and low voltages of transformers, description and capacity of special items of equipment.

DISTRIBUTION PLANT

*Overhead system.*¹ Number of pole and circuit miles, number of active meters or services connected (if available), description and number of each type of pole or tower.

*Underground system.*² Number of circuit miles, number of active meters or services connected (if available), description of type of construction and general statement of any special construction problem.

Distribution substation. General description of number, capacity (kva) and high and low voltages of transformers.

Line transformers. Number and capacity.

Street lighting and signal systems. Description and number of each type of street lighting standard, number and wattage of lamps, and description of signal system.

GENERAL PLANT

Description of principal structures and improvements.

Number and type of transportation vehicles and appurtenant equipment.

Description of store, shop, and laboratory equipment.

Description of communication equipment.

Description of miscellaneous equipment.

[38 FR 7214, Mar. 19, 1973. Redesignated by Order 541, 57 FR 21734, May 22, 1992]

¹If number of active meters or services is not available separately for overhead and underground systems, report totals.

²To be shown on the original when tendered for filing with the Commission of every paper as specified in §1.17(f) of this chapter.

§ 141.300 FERC Form No. 715, Annual Transmission Planning and Evaluation Report.

(a) *Who must file.* Any transmitting utility, as defined in §3(23) of the Federal Power Act, that operates integrated (that is, non-radial) transmission facilities at or above 100 kilovolts must complete FERC Form No. 715.

(b) *When to file.* FERC Form No. 715 must be filed on or before each April 1.

(c) *What to file.* FERC Form No. 715 must be filed with the Federal Energy Regulatory Commission in accordance with the instructions on that form.

(d) *Critical Energy Infrastructure Information.* (1) If the instructions in Form No. 715 require a utility to reveal Critical Energy Infrastructure Information (CEII), as defined in §388.113(c) of this chapter, to any person, the utility shall omit the CEII from the information made available and insert the following in its place:

(i) A statement that CEII is being withheld;

(ii) A brief description of the omitted information that does not reveal any CEII; and

(iii) This statement: "Procedures for obtaining access to Critical Energy Infrastructure Information (CEII) may be found at 18 CFR 388.113. Requests for access to CEII should be made to the Commission's CEII Coordinator."

(2) The utility completing Form No. 715, in determining whether information constitutes CEII, shall treat the information in a manner consistent with any filings that utility has made with the Commission and shall to the extent practicable adhere to any previous determinations by the Commission or the CEII Coordinator involving the same or like information.

(3) The procedures contained in §§388.112 and 388.113 of this chapter regarding designation of, and access to, CEII, shall apply in the event of a challenge to a CEII designation or a request for access to CEII. If it is determined that information is not CEII or that a requester should be granted access to CEII, the utility will be directed to make the information available to the requester.

(4) Nothing in this section shall be construed to prohibit any persons from

voluntarily reaching arrangements or agreements calling for the disclosure of CEII.

[58 FR 52436, Oct. 8, 1993, as amended by Order 643, 68 FR 52095, Sept. 2, 2003]

EFFECTIVE DATE NOTE: At 58 FR 52436, Oct. 8, 1993, §141.300 was added. The new section contains information collection provisions which will not become effective until approved by the Office of Management and Budget.

§ 141.400 FERC Form No. 3-Q, Quarterly financial report of electric utilities, licensees, and natural gas companies.

(a) *Prescription.* The quarterly report of electric utilities, licensees, and natural gas companies, designated as FERC Form No. 3-Q, is prescribed for the reporting quarter ending March 31, 2004, and each quarter thereafter.

(b) *Filing requirements*—(1) *Who must file*—(i) *Generally.* Each electric utility (as defined in part 101 of subchapter C of this chapter) and other entity, *i.e.* each corporation, person, or licensee as defined in Section 3 of the Federal Power Act (16 U.S.C. 792 *et. seq.*), including any agency or instrumentality engaged in generation, transmission, distribution, or sale of electric energy, however produced, throughout the United States and its possessions, having sales or transmission service, whether or not the jurisdiction of the Commission is otherwise involved, must prepare and file with the Commission FERC Form No. 3-Q pursuant to the General Instructions set out in that form.

(ii) *Exceptions.* This report form is not prescribed for any agency, authority or instrumentality of the United States, nor is it prescribed for municipalities as defined in section 3 of the Federal Power Act; (*i.e.* a city, county, irrigation district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power).

(2) Each major public utility and licensee must file the quarterly financial report form as follows:

(i) The quarterly financial report for the period January 1 through March 31,

2004, must be filed on or before July 9, 2004.

(ii) The quarterly financial report for the period April 1 through June 30, 2004, must be filed on or before September 8, 2004.

(iii) The quarterly financial report for the period July 1 through September 30, 2004, must be filed on or before December 9, 2004.

(iv) The quarterly financial report for the period January 1 through March 31, 2005, must be filed on or before May 31, 2005.

(v) The quarterly financial report for the period April 1 through June 30, 2005, must be filed on or before August 29, 2005.

(vi) The quarterly financial report for the period July 1 through September 30, 2005 must be filed on or before November 29, 2005.

(vii) Subsequent quarterly financial reports must be filed within 60 days from the end of the reporting quarter.

(3) Nonmajor public utilities and licensees must file the quarterly financial report form as follows:

(i) The quarterly financial report for the period January 1 through March 31, 2004, must be filed on or before July 23, 2004.

(ii) The quarterly financial report for the period April 1 through June 30, 2004, must be filed on or before September 22, 2004.

(iii) The quarterly financial report for the period July 1 through September 30, 2004, must be filed on or before December 23, 2004.

(iv) The quarterly financial report for the period January 1 through March 31, 2005, must be filed on or before June 13, 2005.

(v) The quarterly financial report for the period April 1 through June 30, 2005, must be filed on or before September 12, 2005.

(vi) The quarterly financial report for the period July 1 through September 30, 2005 must be filed on or before December 13, 2005.

(vii) Subsequent quarterly financial reports must be filed within 70 days from the end of the reporting quarter.

(4) This report must be filed as prescribed in §385.2011 of this chapter and as indicated in the General Instructions set out in the quarterly financial

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report form, and must be properly completed and verified. Filing on electronic media pursuant to §385.2011 of this chapter will be required commencing with the quarterly financial report ending March 31, 2004, due on or before July 9, 2004 for major public utilities and licensees, and due on or before July 23, 2004 for nonmajor public utilities and licensees.

[69 FR 9043, Feb. 26, 2004, as amended by Order 646-A, 69 FR 32443, June 10, 2004; Order 646, 69 FR 34568, June 22, 2004]

§ 141.500 Cash management programs.

Public utilities and licensees subject to the provisions of the Commission's

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Uniform System of Accounts prescribed in part 101 and §141.1 or §141.2 of this title that participate in cash management programs must file these agreements with the Commission. The documentation establishing the cash management program and entry into the program must be filed within 10 days of the effective date of the rule or entry into the program. Subsequent changes to the cash management agreement must be filed with the Commission within 10 days of the change.

[Order 634-A, 68 FR 62003, Oct. 31, 2003, as amended at 69 FR 9044, Feb. 26, 2004]

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